

REMARKS

This Reply is submitted in response to the Office Action of December 23, 2008. In view of the foregoing amendments and following remarks, reconsideration is requested.

After entry of the foregoing amendments, claims 1, 9, 11-12, 14 and 25-32 remain in this application, of which claims 1, 9, 12 and 25 are independent. Claims 31-38 are new. No fee is due for claims for this amendment.

Interview Summary

A telephonic interview was held on April 1, 2009. Applicant requested further clarification of the rejection, and in particular the reliance on claim 18 of Wittenburg. No agreement was reached. Examiner suggested claim amendments to add subject matter related to Fig. 6 of the application.

Rejections of Claims 1-6, 9, 12, 25 and 27 Under 35 U.S.C. §103

Claims 1, 9, 12, 25 and 27, of which claims 1, 9, 12 and 25 are independent, were rejected under 35 U.S.C. §103 as unpatentable over Escobar¹ in view of Wittenburg². This rejection is respectfully traversed.

As noted in the Office Action, Escobar fails to disclose a “data defining a spatial relationship among the temporal and nontemporal media in a display area,” and a “graphical user interface [that] enables the user to modify the data defining the spatial relationship,” as recited in claim 1.

To supply this missing element, the Action relies on Wittenburg, citing to column 14, lines 39-42 and several variants of presentations illustrated in Figures 6-10, and noting in particular that there is a spatial relationship between objects shown at element 64 in Fig. 6. The Office Action asserts that claim 18 discloses that a user can modify these spatial relationships.

Applicant disagrees. Claim 18 of Wittenburg recites “one or more groups of the multimedia data items are positioned in said two-dimensional plane.” The only action of the user disclosed in claim 1 is “permitting the user to *dynamically control direction . . . [and] speed*

¹ U.S. Patent 5,659,793 to Escobar *et al.*

...." (Wittenburg, claim 1, emphasis added). Thus in claim 18, Wittenburg does not describe user modification of the *positions* of the multimedia data items in the two-dimensional plane. Instead, *the computer* positions the multimedia data items in a two-dimensional plane according to the specified presentation. Note that claim 1 of Wittenburg recites a method "executed in a computer system" that includes "presenting one or more multimedia data items for each of the menu items in a presentation area." Claims 16-18 further narrow the computer's action of "presenting" by reciting "said multimedia data items *are presented in said presentation area using a three-dimensional presentation technique* in which said multimedia data items are presented with a three-dimensional perspective with regard to a display viewpoint at a particular time" (Claim 16, emphasis added), and then "*said three-dimensional presentation technique includes* predetermining locations associated with said one or more multimedia data items in a defined area *and determining a display viewpoint in a two-dimensional plane* with respect to said locations associated with said one or more multimedia data items" (claim 17, emphasis added). The "two-dimensional plane" recited in claim 18 refers to the two-dimensional plane recited in claim 17 which relates to how the computer system presents multimedia items in a presentation area. Thus, claim 18 has nothing to do with a user dynamic control of speed and direction of the presentation, and cannot be reasonably understood to mean that the user is positioning the multimedia items in the two-dimensional plane as asserted by the Examiner. Nor were we able to find mention anywhere else in Wittenburg of "data defining a spatial relationship among the temporal and nontemporal media in a display area," and a "graphical user interface [that] enables the user to modify the data defining the spatial relationship," as recited by claim 1.

Further, the independent claims as amended also recite that the data defining the spatial relationships can be modified by the user "by allowing the user to select, for each portion of the display area, a corresponding media type for the portion of the display area." Even if Wittenburg's claim 18 were understood to describe user modification of the positions of multimedia items, Wittenburg fails to make any mention of how any such modification would be done by the user. Therefore, Wittenburg also fails to describe "allowing the user to select, for each portion of the display area, a corresponding media type for the portion of the display area," as recited in amended claim 1.

² U.S. Patent 6,515,656 to Wittenburg *et al.*

Similar limitations are found in the other independent claims 9, 12 and 25.

Therefore, the rejection of the independent claims 1, 9, 12 and 25 under 35 U.S.C. §103 in view of Escobar and Wittenburg should be withdrawn.

The remaining claims are dependent claims. Therefore, the rejection of these claims also should be withdrawn for at least the reasons discussed above.

Rejection of Claims 11, 14, 26 and 28-30 Under 35 U.S.C. §103

The remaining dependent claims 11, 14, 26 and 28-30 were rejected under 35 U.S.C. §103 in view of Escobar, Wittenburg and Gill. As these claims are dependent claims, the rejection should be withdrawn for at least the same reasons for withdrawing the rejections of the independent claims.

New claims

New dependent claims 31-38 are supported by Fig. 6 and its corresponding description. The references cited in the Office Action, whether alone or in combination, fail to describe or render obvious the limitations of claims 31-38. In particular, claims 31-38 recite the mechanism through which a user can modify the data describing the spatial relationships among the temporal and nontemporal media data, namely a menu (e.g., claim 31) and a view of the display area (e.g., claim 32). Wittenburg fails to describe such mechanisms for editing spatial relationships.

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CONCLUSION

In view of the foregoing remarks, the rejections should be withdrawn. If the Examiner believes, after this reply, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including any extension fee or fee for claims, please charge any fee to **Deposit Account No. 50-0876**.

Respectfully submitted,

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